



Governor Schwarzenegger Endorses Senator Feinstein's Comprehensive Gang Legislation

March 20, 2007

Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.) today announced that California Governor Arnold Schwarzenegger has endorsed her comprehensive gang legislation, introduced in the Senate on January 31, 2007.

Senator Feinstein's legislation provides more than \$1 billion in funding for gang prevention, intervention, and law enforcement programs over five years and establishes new crimes and tougher federal penalties to deter and punish members of illegal street gangs.

Companion legislation was introduced in the House of Representatives today by Representatives Adam Schiff (D-Calif.) and Mary Bono (R-Calif.).

"Gang violence is a problem in communities all over California. We need to have a coordinated approach among federal, state and local governments to work together and eliminate this problem. I support the provisions in your bill that would create new High Intensity Interstate Gang Activity Areas, enhance existing federal efforts such as Project Safe Neighborhood and Safe Streets, and expand grants to states and local agencies and to community groups," Governor Schwarzenegger wrote in his letter of support.

A copy of the Governor's letter of support is attached.

"This is a major vote of confidence from Governor Schwarzenegger," Senator Feinstein said. **"This bill provides more than \$1 billion of support for prevention programs that aim to keep our children out of criminal street gangs, law enforcement programs that help put an end to the gang violence terrorizing our neighborhoods, and witness protection initiatives."**

"As our nation feels the effects of increasing gang violence, the federal government cannot wait any longer to strengthen its own criminal laws and lend this much-needed hand of assistance to the local agencies battling gang violence."

The legislation also has garnered the endorsement of:

- The Fraternal Order of Police;
- The National Association of Police Organizations (NAPO), which represents 238,000 police officers from across the country;

- The International Association of Chiefs of Police (IACP);
- The National Sheriffs' Association (NSA); and
- The National Alliance of Gang Investigators Association (NAGIA), which represents approximately 20,000 gang professionals in the United States and Canada.

Bill Summary

- **Makes illegal participation in a criminal street gang a new federal crime.** A “criminal street gang” is defined to mean a formal or informal group, club, organization or association of five or more persons who have committed three or more separate felony crimes – including at least one serious violent felony – within the past five years. This legislation makes it a federal crime for a member of a criminal street gang to commit, conspire or attempt a predicate gang crime, or to recruit minors or others into one of these gangs with an intent that they will commit a gang crime.

The term “gang crime” is defined to include violent and other serious state and federal felony crimes such as:

Murder	Manslaughter
Maiming	Assault with a dangerous weapon
Kidnapping	Robbery
Extortion	Arson
Obstruction of justice	Tampering with witnesses or victims
Carjacking	Trafficking in controlled substances
Firearm offenses	Money Laundering

- **Criminalizes violent crimes in furtherance or in aid of criminal street gangs.** Racketeering (RICO) laws were designed to prosecute organized crime, with Mafia-style organizations in mind. One such law prosecuted violent crimes committed in furtherance of the racketeering enterprise.

This legislation would create a similar structure of crimes and penalties for violent street gangs, so that gang members who commit violent crimes such as murder, kidnapping, sexual assault, maiming, assault with a dangerous weapon or assault resulting in serious bodily injury, which are committed in furtherance or in aid of a criminal street gang, would be punished under federal law. Federal law provides more restricted and stringent bail conditions, can move cases to trial more quickly, and leads to prison sentences that are not subject to parole.

- **Creates a new criminal offense for murder and other violent crimes committed in furtherance of a drug trafficking crime.** Drug crimes are also often intimately intertwined with criminal street gangs. This provision creates a new criminal offense for violent crimes that are committed during and in relation to drug trafficking crimes, and requires that any sentence imposed for this crime run consecutive (one sentence must follow another) to any sentence on an underlying drug offense.

Prosecuting Gang Members

- **Establishes new penalties for gang-related crimes.** Under current law, a felon's criminal street gang involvement can be treated at most as a sentencing enhancement, adding no more than 10 years to a sentence. This bill establishes far higher penalties for violent gang crimes, including the possibility of life imprisonment without parole for murder, kidnapping, aggravated sexual abuse, or maiming. If the gang crime is a serious violent felony, the criminal can receive up to 30 years in prison. And for other violent gang crimes, the maximum penalty is 20 years in prison.
- Increases the maximum penalties for violence committed in furtherance of racketeering, so that the laws complement one another, and provide punishment appropriate to the more serious, and more dangerous, organized nature of these offenses.
- **Creates tougher laws for certain federal crimes like carjacking, conspiracy, and other existing offenses in which gang members may be involved.**
 - Eliminates barriers that limit the abilities of prosecutors to charge individuals who commit serious crimes like carjacking;
 - Increases the penalties for violent felons who possess firearms; and
 - Allows an offense committed in Indian country to serve as a predicate crime for a racketeering crime.
- **Clarifies that impersonating a police officer is a form of extortion that can be prosecuted under the federal Hobbs Act.**
- **Extends the time within which a violent crime case, or a terrorism crime can be charged and tried.** For violent crime, the time is extended from 5 years to 10 years after the offense occurred or the continuing offense was completed. For terrorism cases, the time is extended from 8 to 10 years.
- **Allows for detention of persons charged with possession of firearms who have been previously convicted of prior crimes of violence or serious drug offenses.** Current law does not allow a prosecutor to ask that a person be held without bail based on the person being convicted of being a felon in possession of a firearm. This bill would allow prosecutors to make that request of a judge but would also allow a criminal defendant the right to argue why he or she should not be held.
- **Permits wiretaps to be used for the investigation of gang crimes.** The use of wiretaps – which must be approved and monitored by judges – has proven widely successful in racketeering (RICO) and narcotics cases. This bill would extend this accepted wiretap process to the gang crimes created by this bill.
- **Increases penalties for illegal aliens committing violent crimes.** If an illegal alien commits a felony crime of violence, he would be subject to a maximum penalty of 20 years. If he commits a felony crime of violence after being ordered deported, he would face a maximum penalty of 30 years.

- **Increases penalties for criminal transfer of firearms for use in crimes of violence and drug trafficking.** This section increases the maximum penalty from 10 to 20 years if the seller knows that a gun he transfers will be used in a crime of violence or a drug trafficking crime.

Prevention and Intervention

- **Creates and provides assistance for “High Intensity” Interstate Gang Activity Areas (HIIGAA).** This legislation requires the Attorney General to designate certain locations as high intensity interstate gang activity areas, and provides assistance in the form of criminal street gang enforcement teams made up of local, state and federal law enforcement authorities to investigate and prosecute criminal street gangs in each high intensity interstate gang activity area.
- **Authorizes funding of \$500 million over five years to support HIIGAA activities, half of which would be used to promote prevention efforts.** Local Schools, service providers and community and faith leaders with demonstrated success in fighting gangs, would be empowered to work collaboratively with law enforcement in a coordinated approach to fighting gangs, following the successful “Operation Ceasefire” model. A national Research, Evaluation and Policy Institute would also be established to collect, analyze and teach “best practices” for fighting gang violence. One-half of these dollars – \$250 million – will go to prevention and intervention programs. This includes after-school programs and job-training directed toward gang prevention.
- **Authorizes \$100 million over five years to expand the Justice Department’s Project Safe Neighborhood program,** with an expansion of prosecutors and law enforcement agents focused on reducing violence and gun crimes by gang members.
- **Authorizes \$50 million over five years for expansion of the FBI’s Safe Streets Program,** to investigate and prosecute violent street gangs and criminals;
- **Authorizes \$100 million over five years to expand crime control grants to state and local governments,** so they can hire additional prosecutors, staff and improve technology as needed to bring more cases against gangs and violent criminals.
- **Authorizes an additional \$270 million over three years for witness protection needs, including those of state and local prosecutors.**

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